

## AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method of selecting a bit load  $b$  per sub-channel in a multicarrier system, the multicarrier system encoding data based on a constellation of points, each point representing a tuple of data, the constellation having a self-similarity property, comprising:

selecting the bit load per sub-channel using an improved estimate of the bit error per symbol error based on the self-similarity property of the constellation.

2. (Currently Amended) The method of claim 1 wherein said selecting comprises:

determining a probability of having  $k$  bit errors in an erroneous tuple  $(p(k, b))$  based on the ~~self-similarity property~~ Hamming distances between the points of the constellation.

3. (Previously Presented) The method of claim 2 wherein said determining comprises determining an average number of bit errors in an erroneous tuple based on said probability  $(p(k, b))$ , and

said selecting is also based on the average number of bit errors in the erroneous tuple.

4. (Previously Presented) The method of claim 3 wherein said average number of bit errors in the erroneous tuple is determined as follows:

$$\omega(b) = \frac{12 \cdot 2^b - (3b + 2)2^{b/2} - 2b - 4}{6b \cdot 2^b}.$$

5. (Previously Presented) The method of claim 2 wherein said probability  $(p(k,b))$  is determined as follows:

$$p(k,b) = \frac{1}{2^k} \left[ 1 + \frac{2}{3 \cdot 2^{b/2}} \right] + \frac{1}{2^k} \frac{2}{3} \left[ \frac{1}{2^{b/2}} + \frac{2}{2^b} \right] \delta_{1k}, \quad 1 \leq k \leq b/2.$$

$$\delta_{ij} = \begin{cases} 1, & \text{where } i = j \\ 0, & \text{where } i \neq j \end{cases}.$$

6. (Previously Presented) The method of claim 2 wherein said probability  $(p(k,b))$  is determined as follows:

$$p(k,b) = \frac{1}{2^k} \left[ 1 + O\left(\frac{1}{2^{b/2}}\right) \right], \quad 1 \leq k \leq b/2.$$

7. (Previously Presented) The method of claim 2 wherein said probability  $(p(k,b))$  approaches  $1/2^k$  for constellations which have large values of  $b$ .

8. (Previously Presented) The method of claim 1 wherein said constellation is square.

9. (Previously Presented) The method of claim 1 wherein said constellation is non-square.

10. (Previously Presented) The method of claim 1 wherein the sub-channel has a bit error rate, and further comprising:

determining a mean square deviation of the number of bit errors in an erroneous tuple;

wherein said selecting further comprises selecting the bit load per sub-channel based on said mean square deviation of the number of bit errors in an erroneous tuple.

11. (Previously Presented) The method of claim 10 wherein said mean square deviation of the number of bit errors in an erroneous tuple  $\sigma_e$  is determined based on the following relationship:

$$\sigma_e^2 = 2 - \frac{3b^2 + 24b + 20}{12 \cdot 2^{b/2}} + \frac{(6b + 4)2^{b/2} - b^2 - 4}{6 \cdot 2^b} + \left( \frac{(3b + 2)2^{b/2} + 2b + 4}{3 \cdot 2^b} \right)^2.$$

12. (Previously Presented) The method of claim 10 wherein at large values of  $b$ , the mean square deviation of the number of bit errors in an erroneous tuple  $\sigma_e$  tends to the square root of two.

13. (Previously Presented) The method of claim 10 further comprising:

accessing a table of associated values of the number of bits  $b$  and the values of the mean square deviation of the number of bit errors in an erroneous tuple to retrieve a value of a particular mean square deviation of the number of bits errors in an erroneous tuple for a particular value of  $b$ ; and

adjusting a target bit error rate to accommodate said value of said particular mean square deviation of the number of bit errors in an erroneous tuple to provide an adjusted target bit error rate, wherein said bit load is also selected based on said adjusted target bit error rate.

14. (Previously Presented) The method of claim 13 further comprising:  
selecting at least one forward error correction parameter based on said adjusted target bit error rate.

15. (Previously Presented) The method of claim 1 wherein said selecting comprises:  
determining a probability of having  $k$  bit errors in an erroneously decoded tuple as follows:

$$p(k, b_1, \dots, b_J) = \sum_{j=1}^J \frac{2^{b_j}}{2^b} p(k | \text{symbol transmitted} \in \Omega_j \text{ \& symbol received} \in \Omega_j) \\ + \sum_{\substack{j,m \\ m \neq j}}^J \left[ p(\text{symbol transmitted} \in \Omega_j \text{ \& symbol received} \in \Omega_m) \right. \\ \left. \times p(k | \text{symbol transmitted} \in \Omega_j \text{ \& symbol received} \in \Omega_m) \right]$$

where  $2^{b_j}$  is the number of constellation points in each of  $J$  adjacent square sub-constellations  $\Omega_j$  forming a non-square constellation, and sub-constellation  $\Omega_j$  is different from

sub-constellation  $\Omega_m$ ; and 
$$\sum_{j=1}^J \frac{2^{b_j}}{2^b} = 1 .$$

16. (Previously Presented) The method of claim 2 wherein said constellation is non-square, and said probability of having  $k$  bit errors in an erroneously decoded tuple of the non-square constellation is estimated as if said non-square constellation was a square constellation.

17. (Previously Presented) The method of claim 2 wherein said constellation is non-square, and said probability of error of said non-square constellation becomes asymptotically close to the probability of error of a square constellation encoder.

18. (Currently Amended) The method of claim 1 wherein ~~a parameter having~~ the self-similarity property is determined with respect to a Hamming distance ~~of~~ between the points of the constellation.

19. (Currently Amended) A method of selecting a bit load  $b$  for a channel in a communications system, the communications system encoding data based on a constellation of points, the constellation having a self-similarity property, comprising:

selecting the bit load for the channel using an improved estimate of the bit error per symbol error based on the self-similarity property of the constellation.

20. (Previously Presented) The method of claim 19 wherein the channel has a bit error rate, and further comprising:

determining a mean square deviation of the number of bit errors in an erroneous tuple;

wherein said selecting further comprises selecting the bit load based on said mean square deviation of the number of bit errors in an erroneous tuple.

21. (Previously Presented) The method of claim 19 wherein said constellation is non-square, and said selecting comprises:

determining a probability of having  $k$  bit errors in an erroneously decoded tuple  $(p(k, b))$  based on the self-similarity property of the constellation, wherein said probability of having  $k$  bit errors in an erroneously decoded tuple of the non-square constellation is estimated as if said non-square constellation was a square constellation.

22. (Currently Amended) The method of claim 19 wherein said self-similarity property is determined with respect to a Hamming distance ~~of~~ between the points of the constellation.

23. (Currently Amended) An apparatus for selecting a bit load  $b$  for a channel in a communications system, the communications system encoding data based on a constellation of points, the constellation having a self-similarity property, comprising:

means for selecting the bit load for the channel using an improved estimate of the bit error per symbol error based on the self-similarity property of the constellation.

24. (Previously Presented) The apparatus of claim 23 wherein the channel has a bit error rate, and said means for selecting further comprises means for determining a mean square deviation of the number of bit errors in an erroneous tuple, wherein said means for selecting selects the bit load based on said mean square deviation of the number of bit errors in an erroneous tuple.

25. (Currently Amended) The apparatus of claim 23 wherein said constellation is non-square, and said means for selecting comprises means for determining a probability of having  $k$  bit errors in an erroneously decoded tuple  $(p(k, b))$  based on the ~~self-similarity property~~ Hamming distances between the points of the constellation, wherein said probability of having  $k$  bit errors in an erroneously decoded tuple of the non-square constellation is estimated as if said non-square constellation was a square constellation.

26. (Currently Amended) An apparatus for selecting a bit load  $b$  per sub-channel in a multicarrier system, the multicarrier system encoding data based on a constellation of points, each point representing a tuple of data, the constellation having a self-similarity property, comprising:

means for determining a bit load per sub-channel using an improved estimate of the bit error per symbol error based on the self-similarity property of the constellation ~~based on an average fraction of bit errors in an erroneous tuple~~, and forward error correction parameters; and  
means for selecting a bit load based on the coding gain.

27. (Currently Amended) The apparatus of claim 26 wherein said means for determining said bit load per sub-channel further comprises:

means for determining a probability of having  $k$  bit errors in an erroneous tuple ( $p(k, b)$ ) based on the ~~self-similarity property~~ Hamming distances between the points of the constellation.

28. (Previously Presented) The apparatus of claim 26 wherein said means for determining said probability comprises determining an average number of bit errors in the erroneous tuple based on said probability ( $p(k, b)$ ), and

said means for selecting also selects the bit load based on the average number of bit errors.

29. (Previously Presented) The apparatus of claim 26 wherein said probability ( $p(k, b)$ ) is determined as follows:

$$p(k, b) = \frac{1}{2^k} \left[ 1 + \frac{2}{3 \cdot 2^{b/2}} \right] + \frac{1}{2^k} \frac{2}{3} \left[ \frac{1}{2^{b/2}} + \frac{2}{2^b} \right] \delta_{1k}, \quad 1 \leq k \leq b/2 .$$

$$\delta_{ij} = \begin{cases} 1, & \text{where } i = j \\ 0, & \text{where } i \neq j \end{cases}.$$

30. (Previously Presented) The apparatus of claim 26 wherein said probability  $(p(k, b))$  is determined as follows:

$$p(k, b) = \frac{1}{2^k} \left[ 1 + O\left(\frac{1}{2^{b/2}}\right) \right], \quad 1 \leq k \leq b/2 .$$

31. (Previously Presented) The apparatus of claim 26 wherein said probability  $(p(k, b))$  approaches  $1/2^k$  for constellations which have large values of  $b$ .

32. (Previously Presented) The apparatus of claim 26 wherein said constellation is square.

33. (Previously Presented) The apparatus of claim 26 wherein said constellation is non-square.

34. (Currently Amended) The apparatus of claim 26 wherein the sub-channel has a bit error rate, and said means for determining the bit load further comprises:



means for determining a mean square deviation of the number of bit errors in an erroneous tuple of the bit error rate;

wherein said means for selecting also selects the bit load per sub-channel based on said mean square deviation of the number of bit errors in an erroneous tuple.

35. (Previously Presented) The apparatus of claim 34 wherein said means for determining the mean square deviation of the number of bit errors in an erroneous tuple determines said mean square deviation of the number of bit errors in an erroneous tuple  $\sigma_e$  in accordance with the following relationship:

$$\sigma_e^2 = 2 - \frac{3b^2 + 24b + 20}{12 \cdot 2^{b/2}} + \frac{(6b + 4)2^{b/2} - b^2 - 4}{6 \cdot 2^b} + \left( \frac{(3b + 2)2^{b/2} + 2b + 4}{3 \cdot 2^b} \right)^2.$$

36. (Previously Presented) The apparatus of claim 35 wherein at large values of  $b$ ,  $\sigma_e$  tends to the square root of two.

37. (Previously Presented) The apparatus of claim 37 further comprising:

means for accessing a table of associated values of the number of bits  $b$  and the values of the mean square deviation of the number of bit errors in an erroneous tuple to retrieve a value of a particular mean square deviation of the number of bit errors in an erroneous tuple for a particular value of  $b$ ; and

means for adjusting a target bit error rate to accommodate said value of said particular mean square deviation of the number of bit error in an erroneous tuple to provide an adjusted

target bit error rate, wherein said means for selecting also selects said bit load based on said adjusted target bit error rate.

38. (Previously Presented) The apparatus of claim 37 wherein said means for selecting selects at least one forward error correction parameter based on said adjusted target bit error rate.

39. (Previously Presented) The apparatus of claim 26 wherein said means for determining a bit load comprises:

means for determining a probability of having  $k$  bit errors in an erroneously decoded tuple in accordance with the following relationship:

$$p(k, b_1, \dots, b_J) = \sum_{j=1}^J \frac{2^{b_j}}{2^b} p(k | \text{symbol transmitted} \in \Omega_j \text{ \& symbol received} \in \Omega_j) \\ + \sum_{\substack{j,m \\ m \neq j}}^J \left[ p(\text{symbol transmitted} \in \Omega_j \text{ \& symbol received} \in \Omega_m) \right] \\ \times p(k | \text{symbol transmitted} \in \Omega_j \text{ \& symbol received} \in \Omega_m) \Bigg]$$

where  $2^{b_j}$  is the number of constellation points in each of  $J$  adjacent square sub-constellations  $\Omega_j$  forming a non-square constellation, and sub-constellation  $\Omega_j$  is different from

sub-constellation  $\Omega_m$ ; and  $\sum_{j=1}^J \frac{2^{b_j}}{2^b} = 1$ .

40. (Previously Presented) The apparatus of claim 26 wherein said constellation is non-square, and said probability of having  $k$  bit errors in an erroneously decoded tuple of the non-square constellation is estimated as if said non-square constellation was a square constellation.

41. (Previously Presented) The apparatus of claim 26 wherein said constellation is non-square, and said probability of error of said non-square constellation becomes asymptotically close to the probability of error of a square constellation encoder.

42. (Currently Amended) The apparatus of claim 26 wherein ~~a parameter having~~ said self-similarity property is determined with respect to a Hamming distance ~~of~~ between the points of the constellation.